

**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 1996 - 2005**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct¹	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Sherman §1 - Restraint of Trade	128	95	109	73	85	84	94	133	79	118
Sherman §2 - Monopoly	19	15	11	6	10	10	13	10	7	8
Clayton §7 - Mergers	284	338	285	288	221	179	129	129	106	137
Others	5	6	3	6	11	9	7	11	19	10

Business Reviews	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Requested	29	22	16	13	15	13	5	4	2	6
Closed	37	39	19	9	12	8	6	26	2	1
- Granted	15	32	12	7	9	7	6	12	2	-
- Denied	2	1	-	-	2	-	-	1	-	-
- Declined	2	5	-	-	-	1	-	-	-	-
- Withdrawn	18	1	7	2	1	-	-	13	-	1
Pending	38	20	17	21	24	29	28	6	6	11

¹ Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications.

Hart-Scott-Rodino (HSR) Premerger Notifications	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Received	3,094	3,702	4,728	4,642	4,926	2,376	1,187	1,014	1,454	1,695
HSR Investigations Initiated	186	220	170	172	137	106	76	70	76	90
Number of Cases Filed	9	14	14	19	20	7	4	7	5	2

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Initiated ²	332	344	294	277	242	204	176	182	157	184
Cases Filed or Investigations Ceased	303	327	303	290	228	211	181	170	174	186
Pending	141	158	149	136	150	143	135	147	130	128

CIDs Issued	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Total number	1,878	1,629	1,488	919	980	822	573	631	562	727
Documentary	365	290	268	78	56	64	73	54	110	104
Written	47	31	29	76	98	169	4	52	14	6
Oral	857	629	605	182	257	301	175	239	186	161
Documentary/Written ³	609	679	586	583	569	288	321	286	252	446
Oral/Documentary ⁴	-	-	-	-	-	-	-	-	-	10

² Investigations opened with the purpose of exploring judgment modification or termination are not included here in the total number of preliminary inquiries initiated. Such judgment modification/termination investigations are addressed separately under the Judgment Enforcement indicators.

³ Combined documentary and written CIDS served to one person, corporation, partnership or legal entity.

⁴ Combined oral and documentary CIDS served to one person, corporation, partnership or legal entity. Statistic is only available from FY 2005.

CIVIL INVESTIGATIONS

Merger Investigations	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Total Number (HSR and Non-HSR Investigations)	237	277	230	230	178	147	102	95	89	106
HSR Investigations	186	220	176	175	137	106	76	70	76	90
- HSR Investigations: Second Requests	102	120	102	68	55	43	22	20	15	25
Non-HSR Investigations	49	57	54	55	41	41	26	25	13	16
- Non-HSR Investigations: CIDs Issued	15	13	20	13	7	2	8	10	4	4
Merger CIDs Issued	762	1,141	876	690	783	658	399	460	158	369

Non-Merger Investigations	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Total Number	94	91	94	56	40	30	27	33	41	53
- Non-Merger Investigations: CIDs Issued	32	24	26	15	9	16	16	20	19	22
Non-Merger CIDs Issued	1,108	409	406	180	168	166	174	171	404	358

Civil Investigation Results	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Merger Investigations: Total Number of Public Challenges	30	31	51	46	48	32	10	15	9	4
- Actions Filed in District Court ⁵	9	14	15	20	21	8	4	9	6	3
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	21	17	36	25	27	24	6	6	3	1
Non-Merger Investigations: Actions Filed in District Court	15	20	5	7	2	-	3	5	2	8

⁵ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Initiated	27	28	30	19	26	26	26	48	21	38
Terminated	32	20	16	30	35	19	17	19	29	27
Pending	79	87	101	90	81	88	97	126	118	128

Criminal Cases Filed	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Total Cases Filed	42	38	62	57	63	44	33	41	42	32
Individuals Charged	22	29	52	46	60	39	32	28	39	47
Corporations Charged	41	24	19	17	40	22	14	16	20	27

DISTRICT COURT ANTITRUST CASES

TOTAL CIVIL CASES	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	27	21	23	29	23	10	7	14	8	11
Terminated	21	25	27	21	12	23	14	11	12	6
- Won	21	24	25	21	12	23	13	11	10	6
- Lost	-	1	1	-	-	-	1	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	1	-
Pending	29	25	21	29	40	27	20	23	19	24

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	12	4	5	5	1	1	1	3	-	7
Terminated	6	13	8	7	-	-	-	2	2	1
- Won	6	13	7	7	-	-	-	2	1	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	1	-	-	-	-	1	-

MONOPOLY - CIVIL (SHERMAN §2)	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	2	-	2	2	1	-	1		-	-
Terminated	2	1	-	1	-	-	-	-	-	-
- Won	2	1	-	1	-	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

MERGER CASES (CLAYTON §7)	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	9	14	15	20	21	8	4	9	6	3
Terminated	8	10	17	9	12	23	14	8	7	4
- Won	8	9	16	9	12	23	13	8	7	4
- Lost	-	1	1	-	-	-	1	0	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

DAMAGE ACTIONS - CIVIL	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	-	-	-	-	-	-	-	-	-	-
Terminated	-	-	-	-	-	-	-	-	-	-
- Won	-	-	-	-	-	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER CIVIL	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	4	2	1	2	-	1	1	2	2	1
Terminated	5	1	2	3	-	-	-	1	2	1
- Won	5	1	2	3	-	-	-	1	2	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

TOTAL CRIMINAL CASES	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	42	38	62	57	63	44	33	41	42	32
Won	38	40	64	48	52	38	37	32	35	55
Lost	5	1	1	2	-	2	1	1	1	2
Pending ⁶	-	-	17	24	35	39	34	42	48	43
Appeal Decisions	6	4	6	-	-	5	1	2	7	4

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	39	32	57	53	52	37	23	23	28	23
Won	31	35	59	45	44	29	28	19	17	41
Lost	4	1	1	2	-	1	1	1	1	2
Pending ⁷	-	-	16	22	30	37	31	34	44	24

⁶ This is a new statistic as of the FY 1999 Workload Statistics Report.

⁷ This is a new statistic as of the FY 1999 Workload Statistics Report.

OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	3	6	5	4	11	8	10	18	14	9
Won	7	5	5	3	8	10	9	13	18	14
Lost	1	-	-	-	-	1	-	-	-	-
Pending ⁸	-	-	1	2	5	2	3	8	4	1

⁸ This is a new statistic as of the FY 1999 Workload Statistics Report.

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	17	14	23	10	10	3	6	7	5	3
Terminated	13	12	12	6	3	6	2	5	11	5
- Won	8	9	9	4	3	4	2	3	8	4
- Lost	-	-	3	2	-	1	-	1	3	-
- Dismissed	5	3	-	-	-	1	-	1	-	1

ANTITRUST DIVISION CASES SUPREME COURT	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	-	2	2	1	1	1	-	-	1	1
Terminated	4	1	-	1	-	1	1	-	-	-
- Won	-	1	-	1	-	1	1	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	4	-	-	-	-	-	-	-	-	-

AMICUS CASES COURT OF APPEALS	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	6	3	3	-	5	2	3	6	5	2
Terminated	4	7	2	1	2	2	3	4	4	4
- Won	2	6	1	1	2	1	2	1	3	3
- Lost	2	-	1	-	-	1	-	3	2	1
- Dismissed	-	1	-	-	-	-	1	-	-	-

AMICUS CASES SUPREME COURT	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	3	2	4	1	1	1	1	-	3	4
Terminated	3	1	4	-	1	1	1	-	4	1
- Won	1	1	3	-	1	1	1	-	4	1
- Lost	2	-	1	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
- Filed	111	211	428	113	69	35	49	76	93	101
- Terminated	99	63	52	110	85	34	53	36	43	79
Won	30	23	20	47	21	17	14	17	21	10
Lost	10	7	7	8	1	15	5	2	2	9
Dismissed	59	33	25	55	63	2	34	17	20	60

OTHER AGENCIES' CASES SUPREME COURT	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filed	5	1	10	7	4	3	-	1	4	6
Terminated	4	-	-	4	2	1	1	-	1	2
- Won	2	-	-	3	1	1	-	-	1	2
- Lost	2	-	-	1	-	-	-	-	-	-
- Dismissed	-	-	-	-	1	-	1	-	-	-

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Divestitures	6	13	9	20	17	9	1	4	5	3
Decrees Modified/Terminated	6	1	4	3	4	6	6	7	3	1
Contempt Cases	1	-	1	3	-	-	1	-	2	1

JUDGMENT ENFORCEMENT: Modification/Termination Investigations⁹	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Initiated	5	5	6	11	-	-	2	3	1	1
Terminated	4	3	4	3	6	-	-	2	4	2
Pending	7	9	11	19	17	15	17	18	15	14

⁹ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹⁰

FINES IMPOSED¹¹	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Individual: Total Individual Fines (\$000)	1,572	1,247	2,499	12,273	5,180	2,019	8,685	470	644	4,483
Number of Individuals Fined	16	17	20	50	43	20	19	16	15	22
Corporate: Total Corporate Fines (\$000)	25,245	203,931	241,645	959,866	303,241	270,778	93,826	63,752	140,586	595,966
Number of Corporations Fined	31	30	18	25	26	14	17	17	13	18
Total Fines Imposed (\$000)	26,817	205,178	244,144	972,138	308,421	272,797	102,511	64,222	141,230	600,449

OTHER CASE RESULTS	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Restitution Imposed in Connection with Criminal Cases¹² (\$000)	799	275	4,250	2,343	1,713	31,083	7,278	15,545	18,776	10,371
Number of Defendants	5	2	3	12	20	17	21	21	16	15
HSR Penalties (\$000)	7,650	5,796	500	3,285	-	-	4,000	6,314	1,800	2,000
Number of Corporations	4	3	2	4	-	2	2	3	1	1
Number of Individuals	-	1	-	1	-	-	-	-	1	-

¹⁰ Dollar figures are amounts imposed during the fiscal year.

¹¹ Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

¹² Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT

INCARCERATION	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Number of Individuals Sentenced	19	17	16	54	47	24	36	30	28	27
Number of Individuals Sentenced to Incarceration Time	5	3	5	28	18	11	19	15	20	18
Total Number of Actual Days of Incarceration Imposed by the Court	2,431	789	1,301	6,662	5,584	4,800	10,501	9,341	7,334	13,157

OTHER CONFINEMENT¹³	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Individuals Sentenced to Other Confinement	8	9	10	25	20	12	16	6	4	6
Number of Other Confinement Days	1,148	1,270	1,530	2,850	2,567	1,844	3,607	1,025	1,575	1,270

¹³ Includes house arrest or confinement to a halfway house or community treatment center.

GENERAL ANTITRUST ACTIVITIES

PARTICIPATION IN BANK MERGER PROCEEDINGS	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Total Screenings	1,788	1,850	1,923	1,698	1,373	1,328	1,079	994	1,127	943
Screenings Requiring Competitive Analysis	1,231	1,197	1,225	1,109	945	859	628	587	732	532

INTERNATIONAL ANTITRUST ACTIVITY	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Notifications to Foreign Governments. and International Organizations	73	77	96	93	143	126	82	89	89	115
Representation at and Negotiations with Foreign Governments. and International Organizations	42	47	50	55	51	53	25	27	55	31
Applications for Export Trade Certificates	5	4	3	5	6	3	2	5	4	11
Certificates Issued	3	4	3	3	4	3	2	3	6	8

FILINGS IN REGULATORY AGENCY PROCEEDINGS ¹⁴	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Department of Transportation	-	-	2	-	-	-	3	2	-	1
Federal Energy Regulatory Commission	-	-	-	1	-	-	-	-	-	1
Securities and Exchange Commission	1	-	1	-	2	-	-	-	-	-
Federal Communications Commission	8	5	6	-	5	7	13	10	2	-
Federal Maritime Commission	-	-	-	-	-	-	-	-	1	3
Interstate Commerce Commission	-	-	-	-	1	-	-	-	1	-
Other	1	3	2	-	6	-	-	-	2	1
Total	10	8	11	1	14	7	16	12	6	6

¹⁴ These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
4F (HSR) Information	21	9	2	2	2	1	3	-	-	-
Advice on Surplus Property	-	-	-	5	-	-	4	1	-	7
Meetings of Interagency Task Forces/Committees ¹⁵	13	41	28	35	47	46	41	51	28	50
Congressional Appearances	5	4	10	11	20	4	5	1	3	-
Congressional/OMB Requests for Comments	675	579	779	629	568	424	384	401	297	338
White House Referrals	325	137	722	196	25	625	157	226	2	1
Congressional Correspondence	365	435	581	628	578	597	477	186	109	85
Statutory Reports	-	3	-	5	4	21	13	17	19	39
Joint Research & Development Filings	83	56	38	61	47	24	29	17	252 ¹⁶	45
FOIA Requests	335	226	276	247	242	207	154	159	162	136
Privacy Act Requests	8	17	6	3	9	16	11	10	4	15

¹⁵ These figures reflect the number of interagency task forces or committees that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.

¹⁶ The National Cooperative Research and Production (NCRPA) Act was amended in 2004 to include standard development organizations.